

United States, primarily at the Oak Ridge National Laboratory in the State of Tennessee.

(2) Before the cancellation of the program in 1976, the technology developed at the Oak Ridge National Laboratory was moving steadily toward efficient utilization of the natural thorium energy resource, which exists in substantial amounts in many parts of the United States and around the world.

(3) The People's Republic of China is known to be pursuing the development of molten salt reactor technology based on a thorium fuel cycle.

(4) Thorium itself is not fissile, but fertile, and requires a fissile material to begin a nuclear chain reaction.

(5) Uranium-233, derived from neutron absorption by natural thorium, is the ideal candidate for the fissile component of a thorium reactor, and is the only fissile material candidate that can minimize the production of long-lived transuranic elements, which have proven a great challenge to the geologic disposal of existing spent nuclear fuel.

(6) Geologic disposal of spent nuclear fuel from conventional nuclear reactors continues to pose severe political and technical challenges, and costs the United States taxpayer more than \$500,000,000 annually in court-mandated awards to utilities.

(7) The United States possesses the largest inventory of uranium-233 in the world, aggregated at the Oak Ridge National Laboratory.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is in the best economic and national security interests of the United States to resume development of highly efficient thorium molten-salt reactors that can minimize transuranic waste production, in consideration of the pursuit by the People's Republic of China of thorium molten-salt reactors and associated cooperative research agreements with United States national laboratories;

(2) that the development of highly efficient thorium molten-salt reactors is consistent with section 1261 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 2060), which declared long-term strategic competition with the People's Republic of China as "a principal priority for the United States"; and

(3) to resume such development, it is necessary to preserve as much of the uranium-233 remaining at Oak Ridge National Laboratory as possible.

(c) PRESERVATION AND STORAGE OF URANIUM-233.—

(1) IN GENERAL.—The Secretary of Energy shall seek every opportunity to preserve separated uranium-233, with the goal of fostering development of thorium molten-salt reactors by United States industry.

(2) DOWNBLENDING AND DISPOSAL OF CERTAIN URANIUM.—The Secretary may provide for the downblending and disposal of uranium-233 determined by industry experts not to be valuable for research and development of thorium molten-salt reactors or technology implementation.

(d) INTERAGENCY COOPERATION.—The Secretary of Energy, the Secretary of the Army (including the head of the Army Reactor Office), the Secretary of Transportation, the Tennessee Valley Authority, and other relevant agencies shall—

(1) work together to expedite transfers of uranium-233 under subsection (c); and

(2) seek the assistance of appropriate industrial entities.

(e) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a report that includes the following:

(1) Details of the separated U-233 inventory that is most feasible for immediate or near-term transfer.

(2) The costs of constructing or modifying a suitable category I facility for the secure, permanent storage of the U-233 inventory.

(3) A pathway for National Asset Material designation.

(4) A description of the scope for such a facility that would enable secure access to the nuclear material for research and development of thorium fuel cycle reactors, for defense and civilian applications, as well as for medical isotope extraction and processing, including by developing such a facility through public-private partnerships.

(5) An assessment of whether the Secretary should transfer the ownership of U-233 from the Office of Environmental Management to the Office of Nuclear Energy.

(6) An assessment of the ability of the Department of Energy to transfer the inventory of U-233 that the Secretary determines is most feasible for immediate or near-term transfer to the Y-12 National Security Complex, Oak Ridge, Tennessee, for secure interim storage.

(7) The feasibility of the National Nuclear Security Administration providing for the secure storage of the inventory of U-233 within the Y-12 National Security Complex or another suitable location within the nuclear security enterprise (as defined in section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501)).

(f) NO FUNDING AUTHORIZED.—The amount authorized to be appropriated by section 3102 and available as specified in the funding table in section 4701 for the U233 Disposition Program is hereby reduced by \$55,000,000.

SA 4143. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

SEC. 1253. PLAN TO PRIORITIZE TRANSFERS OF EXCESS DEFENSE ARTICLES TO ALLIES AND PARTNERS IN THE INDO-PACIFIC REGION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) prioritize the review of excess defense article transfers to allies and partners in the Indo-Pacific region;

(2) coordinate and align excess defense article transfers with capacity-building efforts of such allies and partners; and

(3) assist Taiwan to develop asymmetric capability through excess defense article transfers pursuant to section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(b) PLAN REQUIRED.—

(1) IN GENERAL.—Not later than February 15, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the congressional defense committees a report on future-year activities and resources for the purposes described in subsection (a).

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A summary of progress made towards achieving such purposes.

(B) An evaluation of potential excess defense articles scheduled for decommissioning that could be transferred under the Excess Defense Articles program of the Defense Security Cooperation Agency to allies and partners in the Indo-Pacific region, including Taiwan with respect to its asymmetric capability development.

SA 4144. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. ____ . MILITARY STANDARDS FOR STEEL ARMOR IN ARMORED VEHICLES.

(a) STANDARDS REQUIRED.—Not later than March 31, 2022, the Secretary of the Army shall establish military standards for all steel armor, including all associated class levels, for incorporation into specifications for current and future armored vehicles developed and procured by the Armed Forces and the Department of State.

(b) REQUIREMENTS.—The standards established under subsection (a) shall incorporate the following standards:

(1) MIL-DTL-46100E.

(2) MIL-DTL-12560K.

(3) MIL-DTL-32332A.

(4) MIL-DTL-46186A.

(c) REPORT REQUIRED.—Not later than June 30, 2022, the Secretary of the Army shall submit to the congressional defense committees a report that describes—

(1) the establishment of the standards required by subsection (a); and

(2) a strategy for incorporation of such standards into armored vehicle specifications to replace all company specific branded material.

(d) ARMORED VEHICLE DEFINED.—For purposes of this section, the term "armored vehicle" means a tracked or wheeled vehicle incorporating steel armor in its manufacture.

SA 4145. Mr. TUBERVILLE (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 821. INDEMNIFICATION OF CONTRACTORS FOR UNUSUALLY HAZARDOUS RISKS.

Section 2354 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "the Secretary of Defense or" after "approval of";

(ii) by striking "for research or development, or both, may" and inserting "or Defense Agency shall"; and

(iii) by striking “either or both of”; and
 (B) in paragraphs (1) and (2), by striking “that the contract defines” and inserting “that subsection (b) or the contract defines”;
 (2) by redesignating subsections (b), (c), and (d) as subsections (c), (f), and (g), respectively;

(3) by inserting after subsection (a) the following new subsection (b):

“(b) For purposes of subsection (a), risk of burning, explosion, detonation, flight or surface impact, or toxic or hazardous material release, associated with the following shall be considered unusually hazardous:

“(1) Any hypersonic weapon system, including boost glide vehicles and air-breathing propulsion systems.

“(2) Rocket propulsions systems, including rockets, missiles, launch vehicles, rocket engines or motors, or hypersonic weapons systems using a solid or liquid high-energy propellant, including any warhead in excess of 1000 pounds of the chemical equivalent of TNT.

“(3) Introduction, fielding, or incorporating any item containing high-energy propellants, including any warhead in excess of 1000 pounds of the chemical equivalent of TNT introduced, fielded, or incorporated into any ship, vessel, submarine, aircraft, or spacecraft.

“(4) A classified program for which insurance is not available as a result of the prohibition on disclosure of classified information to commercial insurance providers.”;

(4) by inserting after subsection (c), as redesignated by paragraph (2), the following new subsections (d) and (e):

“(d) For each contract made under subsection (a) that provides for indemnification, the Secretary that approved the contract shall determine the maximum probable loss for claims under paragraph (1) of that subsection or losses or damage under paragraph (2) of that subsection, as applicable.

“(e)(1) A contractor that is a party to a contract made under subsection (a) that provides for indemnification shall obtain liability insurance to compensate for claims under paragraph (1) of that subsection and losses or damage under paragraph (2) of that subsection, as applicable, in amounts and to the extent such insurance is available under commercially reasonable terms and pricing, including any limits, sub-limits, exclusions, and other coverage restrictions.

“(2) A contractor described in paragraph (1) is not required to obtain insurance in amounts greater than the lesser of—

“(A) the amount available under commercially reasonable terms and pricing; or

“(B) the maximum probable loss determined under subsection (d).”;

(5) in subsection (f), as so redesignated, by inserting “the Secretary of Defense,” before “the Secretary”; and

(6) in subsection (g), as so redesignated—

(A) in the matter preceding paragraph (1), by inserting “the Secretary of Defense,” before “the Secretary”; and

(B) in paragraph (2), by striking “for research or development, or both,”.

SA 4146. Mr. TUBERVILLE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XIV, insert the following:

SEC. 1424. COMPTROLLER GENERAL ASSESSMENT OF DOMESTIC TITANIUM ORE MINING AND DOMESTIC PRODUCTION OF TITANIUM METAL.

(a) IN GENERAL.—Not later than June 1, 2022, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of—

(1) the current state of United States domestic titanium ore mining and domestic production of titanium metal; and

(2) its implications for the supply chains of the Department of Defense.

(b) ELEMENTS.—The assessment required by subsection (a) shall include—

(1) a comparison of how much titanium metal is required annually by the Department of Defense and how much titanium ore and titanium metal is available from the United States domestic supply chains;

(2) an assessment of the reliability of titanium producers outside the United States during national defense emergency scenarios; and

(3) any other matters the Comptroller General considers appropriate to include.

SA 4147. Mr. LANKFORD (for himself, Ms. SINEMA, Mr. LEE, Mr. ROMNEY, Mr. CORNYN, and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. LIMITATION ON APPOINTMENT OF RETIRED MEMBERS OF THE ARMED FORCES TO CERTAIN POSITIONS IN THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 3326 of title 5, United States Code, is amended—

(1) in the section heading, by inserting “CERTAIN” before “POSITIONS”; and

(2) in subsection (b)—

(A) by striking “appointed” and all that follows through “Defense” and inserting “appointed to a position in the excepted or competitive service classified at or above GS-14 of the General Schedule (or equivalent) in or under the Department of Defense”; and

(B) in paragraph (1), by striking “for the purpose” and all that follows through “Management”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 33 of such title is amended in the item relating to section 3326 by inserting “certain” before “positions”.

SA 4148. Mrs. FEINSTEIN (for herself, Mr. MARSHALL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. NATIONAL COMMISSION ON THE COVID-19 PANDEMIC.

(a) SHORT TITLE; SENSE OF CONGRESS.—

(1) SHORT TITLE.—This section may be cited as the “National Commission on the COVID-19 Pandemic Act”.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the SARS-CoV-2 (COVID-19) pandemic has caused immense suffering in the United States, having resulted in more than 736,000 American deaths as of October 2021, and infecting at least 45,000,000;

(B) following other destructive and traumatic events in our history, including the September 11, 2001, terrorist attacks, Congress has established a bipartisan commission of experts to study the event and produce a report and recommendations, and such an exercise can assist in national healing;

(C) the extent of the loss of life and the economic cost of the pandemic demonstrate the high risks that pandemic diseases can pose to public health and to national security, and demands a thorough, authoritative, and independent review of the origin of SARS-CoV-2 as well as United States actions and policies before and during the pandemic, and recommendations to Congress and policymakers as to how we can be better prepared for future pandemic diseases, including those that could be caused by intentional biological attacks;

(D) individuals appointed to the Commission established in subsection (b) should be prominent citizens of the United States with national recognition and significant experience and expertise in—

- (i) public health and biosafety;
- (ii) epidemiology;
- (iii) medicine;
- (iv) emergency management or response;
- (v) public administration;
- (vi) logistics;
- (vii) organizational management; or
- (viii) medical intelligence and forensic investigations; and

(E) it is crucial to better understand and manage the increasing likelihood of pandemic threats (such as the recent threats of severe acute respiratory syndrome (SARS), Ebola, the 2009-H1N1 influenza, and COVID-19) and related health issues that the United States could face during the next several decades.

(b) COMMISSION ON THE COVID-19 PANDEMIC.—

(1) ESTABLISHMENT OF COMMISSION.—There is established in the legislative branch the National Commission on the COVID-19 Pandemic (in this section referred to as the “Commission”).

(2) DUTIES.—The Commission shall—

(A) in accordance with paragraph (4), conduct an investigation of all relevant facts and circumstances regarding the novel coronavirus disease 2019 (in this section referred to as “COVID-19”) in order to make a full and complete accounting of—

(i) the preparedness of the United States for pandemic disease before the outbreak of COVID-19;

(ii) the circumstances surrounding the initial outbreak and spread of COVID-19; and

(iii) the actions taken by the Federal Government, State, local, and Tribal governments, including with respect to the private sector, civil society, and relevant international organizations (including the World Health Organization) in response to COVID-19;

(B) identify and examine lessons learned regarding pandemic preparedness, response,